

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

IN RE BARD IVC FILTERS PRODUCTS
LIABILITY LITIGATION

No. 2:15-MD-02641- DGC

**SECOND AMENDED MASTER
SHORT FORM COMPLAINT FOR
DAMAGES FOR INDIVIDUAL
CLAIMS AND DEMAND FOR JURY
TRIAL**

Plaintiff(s) named below, for their Complaint against Defendants named below,
incorporate the Master Complaint for Damages in MDL 2641 by reference (Doc.364).

Plaintiff(s) further show the Court as follows:

1. Plaintiff/Deceased Party:
Kelly Burt Buchanan

2. Spousal Plaintiff/Deceased Party's spouse or other party making loss of
consortium claim:
N/A

3. Other Plaintiff and capacity (i.e., administrator, executor, guardian,
conservator):
N/A

4. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence
at the time of implant:
Missouri

5. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence
at the time of injury:
Missouri

6. Plaintiff's current state(s) [if more than one Plaintiff] of residence:

Missouri

7. District Court and Division in which venue would be proper absent direct filing:

Missouri Eastern District Court

8. Defendants (check Defendants against whom Complaint is made):

- ☒ C.R. Bard Inc.
☒ Bard Peripheral Vascular, Inc.

9. Basis of Jurisdiction:

☒ Diversity of Citizenship

☐ Other: _____

- a. Other allegations of jurisdiction and venue not expressed in Master Complaint:
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-
-

10. Defendants' Inferior Vena Cava Filter(s) about which Plaintiff(s) is making a claim (Check applicable Inferior Vena Cava Filter(s)):

- ☐ Recovery® Vena Cava Filter
☒ G2® Vena Cava Filter
☐ G2® Express Vena Cava Filter
☐ G2® X Vena Cava Filter
☐ Eclipse® Vena Cava Filter
☐ Meridian® Vena Cava Filter
☐ Denali® Vena Cava Filter

☐ Other: _____

11. Date of Implantation as to each product:

4/10/2013

12. Counts in the Master Complaint brought by Plaintiff(s):

- ☒ Count I: Strict Products Liability – Manufacturing Defect
- ☒ Count II: Strict Products Liability – Information Defect (Failure to Warn)
- ☒ Count III: Strict Products Liability – Design Defect
- ☒ Count IV: Negligence – Design
- ☒ Count V: Negligence – Manufacture
- ☒ Count VI: Negligence – Failure to Recall/Retrofit
- ☒ Count VII: Negligence – Failure to Warn
- ☒ Count VIII: Negligent Misrepresentation
- ☒ Count IX: Negligence *Per Se*
- ☒ Count X: Breach of Express Warranty
- ☒ Count XI: Breach of Implied Warranty
- ☒ Count XII: Fraudulent Misrepresentation
- ☒ Count XIII: Fraudulent Concealment
- ☒ Count XIV: Violations of Applicable Missouri (insert state) Law Prohibiting Consumer Fraud and Unfair and Deceptive Trade Practices
- ☐ Count XV: Loss of Consortium
- ☐ Count XVI: Wrongful Death
- ☐ Count XVII: Survival
- ☒ Punitive Damages

☐ Other(s): _____ (please state the facts
supporting this Count in the space immediately below)

13. Jury Trial demanded for all issues so triable?

☒ Yes

☐ No

RESPECTFULLY SUBMITTED this 16 day of May, 2019.

By: /s/ Matthew R. McCarley

Matthew R. McCarley
Texas Bar No. 24041426
mccarley@fnlawfirm.com

Arati C. Furness
Texas Bar No. 24094382
California Bar No. 225435
afurness@fnlawfirm.com
FEARS NACHAWATI, PLLC
5473 Blair Road
Dallas, Texas 75231
Tel. (214) 890-0711
Fax (214) 890-0712

I hereby certify that on this 16 day of May, 2019, I electronically transmitted the attached document to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing.

/s/ Matthew R. McCarley
Matthew R. McCarley